

Permitting & Assistance Branch Staff Report
Revised Solid Waste Facilities Permit for the
GreenWaste Recovery Facility
SWIS No. 43-AN-0019
April 7, 2016

Background Information, Analysis, and Findings:

This report was developed in response to the City of San Jose, Department of Planning, Building and Code Enforcement (PBCE), Local Enforcement Agency's (LEA) request for the Department of Resources Recycling and Recovery (Department) concurrence on the issuance of a proposed revised Solid Waste Facilities Permit (SWFP) for the GreenWaste Recovery Facility, SWIS No. 43-AN-0019, located in the City of San Jose and owned and operated by GreenWaste Recovery, Inc. A copy of the proposed permit is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The proposed permit was initially received on February 12, 2016. A new proposed permit was received on March 23, 2016. Action must be taken on this permit no later than May 22, 2016. If no action is taken by May 22, 2016, the Department will be deemed to have concurred with the issuance of the proposed revised SWFP.

Proposed Changes

The following changes to the first page of the permit are being proposed:

	Current Permit (2009)	Proposed Permit
Permitted Maximum Tonnage	2,000 Tons per Day	3,500 Tons per Day
Permitted Area	6.05 acres	8.99 acres
Enforcement Agency Name and Address	City of San Jose, LEA Department of Planning, Building and Code Enforcement 170 W. San Carlos Street San Jose, CA 95113	City of San Jose LEA Department of Planning, Building and Code Enforcement 200 East Santa Clara Street, T-4 San Jose, CA 95113

Other Changes include:

1. Updates to the "documents" section to include references to current governing documents by other regulatory agencies.
2. Revisions to the "LEA Conditions" section including rewording, additions and/or deletions for the purpose of updating and/or clarifying.

Key Issues:

The proposed permit will allow for the following:

1. Incorporate the adjacent, 575 Charles Street property – a chipping and grinding operation (2.94 acres) into the 625 Charles Street GreenWaste Recovery Facility (6.05 acres) to create a combined 8.99 acre material recovery facility (MRF).
2. Combine material handing operations from the two sites. Currently, GreenWaste Recovery Facility has a full SWFP (Facility No. 43-AN-0019) that allows material receipt of up to 2,000 tons per day (TPD). The adjacent GreenWaste Materials Recovery Facility (Facility No. 43-AN-0020) operates under an Enforcement Agency (EA) Notification that allows chipping and grinding of up to 200 TPD.
3. Increase the maximum daily incoming tonnage from 2,000 TPD to 3,500 TPD.

Background

GreenWaste Recovery Inc. is an existing Materials Recovery Facility (MRF) located on 6.05 acres at 625 Charles Street in the City of San Jose. The SWFP (Facility No. 43-AN-0019) was initially issued in October 1998. The current SWFP allows a maximum receipt of 2,000 tons per day (TPD) of waste (mixed recyclables, MSW, Construction and Demolition, yard waste). The general service area for the GreenWaste Recovery Facility is Santa Clara County and the surrounding counties. The facility is not open to the public. The GreenWaste Material Recovery Facility (formally operated by GreenTeam of San Jose), Facility No. 43-AN-0020, is an existing chipping and grinding operation located on 2.94 acres at the adjacent 575 Charles Street, in the city of San Jose. This site operates under an Enforcement Agency Notification and processes up to 200 tons per day of yard waste. The incorporation of this operation into the larger GreenWaste Recovery Facility will create an 8.99 acre MRF that is owned and operated by GreenWaste Recovery, Inc.

Findings:

Staff recommends concurrence in the issuance of the proposed revised SWFP. All of the required submittals and findings required by Title 27 of the California Code of Regulations (27 CCR), Section 21685, have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance, and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	The LEA provided the required certification in their permit submittal letter dated February 12, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on February 2, 2015. The LEA provided a copy to the Department on February 2, 2015. The changes identified in the review are reflected in this permit modification.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Staff received a proposed Solid Waste Facilities Permit on March 23, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	The LEA in their permit submittal package received on February 12, 2016, provided a finding that the facility is consistent with PRC 50001. Waste Evaluation & Enforcement Branch (WEEB) staff in the Jurisdiction Compliance Unit found the facility is identified in the Non-disposal Facility Element, as described in the memorandum dated March 16, 2016.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on April 5, 2016. See Compliance History below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) LEA CEQA Finding	The LEA provided a finding in their permit submittal package received on February 12, 2016, that the proposed permit is consistent with and supported by the existing CEQA documentation. See the Environmental Analysis below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21650(g)(5) Public Notice and/or Meeting, Comments	The LEA is substituting a previously held meeting on the same project per 27 CCR 21660.4. See Public Comments section below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance Branch staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History:

WEEB staff in the Inspections and Enforcement Agency Compliance Unit conducted a pre-permit inspection on April 5, 2016 and found that the facility is in compliance with applicable state minimum standards and permit conditions.

Below are the details of the GreenWaste Material Recovery Facility's compliance history based on the LEA's monthly inspection reports during the last five years:

- 2010 – March 2016 - No violations were noted.

Environmental Analysis:

Under CEQA, the Department must consider, and avoid or substantially lessen where possible, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in it. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the City of San Jose, Department of Planning, Building, and Code Enforcement, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The changes that will be authorized by the issuance of the proposed permit include:

1. Incorporate the adjacent, 575 Charles Street property – a chipping and grinding operation (2.94 acres) into the 625 Charles Street GreenWaste Recovery Facility (6.05 acres) to create a combined 8.99 acre material recovery facility.
2. Combine material handling operations from the two sites. Currently, GreenWaste Recovery Facility has a full Solid Waste Facility Permit (Facility No. 43-AN-0019) that allows material receipt of up to 2,000 tons per day (TPD). The adjacent GreenWaste Materials Recovery Facility (Facility No. 43-AN-0020) operates under an EA Notification that allows chipping and grinding of up to 200 TPD.
3. Increase the maximum daily incoming tonnage from 2,000 TPD to 3,500 TPD.

These changes are supported by the following environmental document.

A Negative Declaration (ND), State Clearinghouse No. 2015062017, was circulated for a 30 day comment period from June 8, 2015 to July 7, 2015. The project analysis concluded there are no significant impacts. The ND was adopted by the Lead Agency on September 30, 2015.

The City of San Jose Planning, Building and Code Enforcement Department, acting as Local Enforcement Agency, has provided a finding that the proposed revised SWFP is consistent with and supported by existing environmental documents.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the ND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA record and

recommends the ND is adequate for the Branch Chief's approval of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the LEA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the ND and other documents and materials utilized by the Department in reaching its decision on concurrence in, or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments:

The project document availability, hearings, and associated meetings were noticed consistent with the SWFP requirements. Per 27 CCR, section 21660.4, The LEA substituted the meeting required under 27 CCR, section 21660.2 with a previously held public meeting on the same project. On September 30, 2015, the City of San Jose Planning Director held a public hearing to adopt the Negative Declaration. The LEA was involved in this meeting to the degree of being present, recognized by the presider of the meeting, and available to answer questions regarding solid waste facilities permitting specifications from the public, other entities, or officials in attendance at the meeting. No verbal or written comments were received by the LEA staff.

Department staff provided an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 15, 2016. No comments have been received by Department Staff.